

HOUSE No. 297

The Commonwealth of Massachusetts

PRESENTED BY:

John H. Rogers

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to Licensing Home Appliance Servicers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John H. Rogers	12th Norfolk
Richard J. Ross	9th Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO LICENSING HOME APPLIANCE SERVICERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 94 of Chapter 143 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following clause:—

(m) To issue licenses in accordance with chapter 143A.

SECTION 2. The General Laws are hereby amended by inserting after chapter 143 the following chapter:—

CHAPTER 143B.

LICENSING OF HOME APPLIANCE SERVICERS (H.A.S).

Section 1. As used in this chapter, the following words shall have the following meanings:

“Administrator”, the administrator of the state board of building regulations and standards, an agency within the executive office of public safety.

“Board”, the state board of building regulations and standards established by section 93 of chapter 143.

“Licensee”, a person, firm, partnership or corporation licensed under this chapter may disconnect and reconnect hardwiring, water connections and gas connections necessary to repair or replace an appliance.

“Appliance”, any appliance manufactured which may require the tech to disconnect and reconnect electric, water and gas.

“H.A.S.”, a person, firm, partnership or corporation engaged in installing, maintaining, servicing or testing appliances.

Section 2. No person, firm, partnership or corporation shall enter into, engage in or work at the business of installing or repairing appliances for which a permit is required unless such person, firm, partnership, or corporation shall have received a license issued by the administrator in accordance with this chapter.

As used in this chapter the words “Class I licensee” shall mean a person, firm, partnership or corporation who performs the work of installing, manufacturing, altering, servicing, testing or maintaining

any household appliances. Applicants for a "Class I license" shall have five years experience in installing, servicing, maintaining and testing household appliances working under the supervision of a "Class I licensee". As used in this chapter, the words "Class II licensee" shall mean a person, firm, partnership or corporation qualified to install, maintain, alter or service household appliances Applicants for a "Class II license" shall have three years experience in installing, servicing, altering, testing and maintaining appliances, working under the supervision of a "Class I or Class II licensee", or shall be a graduate of a appliance repair program at a licensed school accredited by the Accrediting Commission of Career Schools and Colleges of Technology. A Class I or Class II licensee shall not install, maintain, alter, service, manufacture or test any wiring, which is regulated pursuant to chapter 141 or section 3L of chapter 143.

Section 3. The administrator, in consultation with the board, shall be responsible for the implementation of this chapter and the promulgation of such rules and regulations as he shall deem necessary to implement this chapter. Prior to the adoption, amendment or repeal of a rule or regulation, the administrator shall give notice and hold a public hearing in accordance with the requirements of chapter 30A.

A person desiring to be licensed as a H.A.S. shall make a written application under oath to the administrator on a form provided by him. The application shall set forth the information requested by the administrator.

It shall be the duty of the administrator to develop and conduct a written examination for each category of license and to issue and deliver a license to all applicants who have passed the examination for licensure under this chapter unless the applicant complies with the following paragraph:

At any time prior to June 1, 2008 the director shall, without examination and upon payment of the appropriate fees, issue a license to an applicant who has presented satisfactory evidence that he has the qualifications for the type of license applied for, and who has been engaged in the occupation or business of installing, altering, servicing, maintaining home appliances covered by such license for a period of five years in the case of an applicant for a "Class I" and three years of appliance repair experience or graduation from a appliance repair program at a licensed school accredited by the Accrediting Commission of Career Schools and Colleges of Technology in the case of an applicant for a "Class II" license. A person who, being qualified to obtain a license under this section, is prevented from making application therefore by reason of service in the armed forces of the United States shall have three months after discharge to make an application.

Each applicant for a license under this chapter shall pay a registration fee in an amount to be determined by the commissioner of administration. The fee shall be payable upon application for a license and upon renewal. All fees collected pursuant to this section shall be retained by the board for the implementation of

84 this chapter. A licensee shall submit to the administrator such
85 information as the administrator may require and shall be issued a
86 license.

87 Each license issued by the administrator shall bear a number,
88 shall be valid for three years from the date of its issuance, may be
89 renewed upon proof of continuing experience or education as
90 required by the director, shall not be transferable and shall be
91 exercised only by the licensee.

92 Section 4. No individual or contractor shall undertake, offer to
93 undertake, or agree to perform home appliance installation, alteration,
94 maintenance and testing of appliances for which a license is
95 required under this chapter unless licensed therefore with the
96 approval of the state board of building regulations and standards.

97 In those municipalities where a permit for appliance service is
98 required, the applicant shall show proof of license by the com-
99 monwealth, along with the applicant's license number, in order to
100 qualify for a local permit. The license under this chapter shall
101 supersede all local license requirements.

102 Each permit and advertisement for appliance service shall display
103 the licensee's license number.

104 A licensee shall affix the license number in a conspicuous place
105 on each work order for each appliance installed, altered, maintained
106 or serviced by him.

107 Section 5. An individual or contractor who knowingly, willfully
108 or negligently operates without having first obtained a license as
109 required by this chapter and who is not otherwise exempt from the
110 licensing requirement or an individual or contractor who continues
111 to operate after revocation of, or during suspension of his
112 license, or who fails to renew his license, shall be punished by a
113 fine not exceeding \$100 per day. If the administrator concludes,
114 after consultation with the board, that the continuing conduct by
115 any person alleged to be in violation of this chapter may result in
116 substantial or irreparable harm to another, he may seek a temporary
117 or permanent injunction from the superior court of the county
118 in which the alleged violation is occurring or the county in which
119 the violator has its principal place of business.

120 The administrator shall not be required to file a bond or to show
121 a lack of an adequate remedy at law when seeking an injunction
122 under this section against a person, firm, partnership or corporation
123 not licensed under this chapter.

124 Section 6. This chapter shall not be construed to relieve or
125 lessen the responsibility of a person licensed under this chapter,
126 nor shall the commonwealth be deemed to have assumed any liability
127 by reason for the issuance of a license.